

**MILLSTONE TOWNSHIP  
PLANNING BOARD  
MEETING MINUTES  
MARCH 9, 2016**

At 7:31p.m., Mitch Newman called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Roll Call: Present: Beck, Grbelja, Newman, Pinney and Ziner. Absent: Bailey, Kinsey, Kocur, Kurzman, Pado and Pepe.

**APPROVAL OF MINUTES: January 13, 2016**

Committeewoman Grbelja made a Motion to approve the January 13, 2016 Meeting Minutes and Mr. Beck offered a Second. Roll Call Vote: Grbelja, Beck, Ziner and Newman voted yes to approve the meeting minutes.

**REVIEW AND RECOMMEND:**

**ORDINANCE NO. 16-04**

**AN ORDINANCE AMENDING CHAPTER XXXV (LAND USE) ARTICLE XI DESIGN AND PERFORMANCE STANDARDS AND CONSTRUCTION SPECIFICATIONS), SECTION 11-33 (THREATENED AND ENDANGERED SPECIES) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.**

Attorney Steib reported that the Ordinance amends the requirements of the Threatened and Endangered Species Ordinance when someone files an application with the submission of a threatened and endangered species survey. It sets forth when those reports are required.

Board Engineer Shafai feels that the Ordinance is consistent with the Master Plan.

Ms. Pinney explained that when the Environmental Commission put together the Threatened and Endangered Species Ordinance this information should have been included so the Ordinance is amended to include these requirements.

Mr. Ziner made a Motion finding the Ordinance consistent with the Master Plan and Ms. Pinney offered a second. Roll Call Vote: Ziner, Pinney, Grbelja, Beck and Newman voted yes finding the Ordinance consistent with the Master Plan.

**AMENDED APPLICATION:**

**P15-01 NAP CONSTRUCTION, LLC.** Block 58, Lot 4.06. Located on Trenton-Lakewood Road consisting of 9.53 acres in the Neighborhood Commercial (NC) zone. Applicant received subdivision approval for three (3) residential lots and one (1) commercial lot in Resolution dated June 10, 2015. Applicant returns to discuss amending conditions of approval. Noticing is required.

Attorney Kenneth Pape on behalf of the applicant, NAP Construction.

Attorney Steib announced that he has reviewed the noticing packet and finds same in order to accept jurisdiction over the application.

Attorney Steib read the following evidence into the record:

A-1 Jurisdictional packet

A-2 Easement Modification Display prepared by Crest Engineering Associates, Inc. dated September 28, 2016, marked as Exhibit A-2 in evidence.

Mr. Pape stated that in June 2015, the Board approved a residential subdivision. Mr. Pape pointed out that in the 1990's, a project was approved to construct a shopping center where a conservation easement was imposed as part of the approval. Mr. Pape advised that the shopping center was never built but the conservation easement continued.

Mr. Pape explained that the conservation easement goes across the front of Trenton-Lakewood Road and curves around the back because that was going to be a parking lot.

Mr. Pape reported that Township Attorney Robert Munoz had no objection from the governing body to change the easement and defer to the NJDEP. Mr. Pape explained that there is a new rule in place and he would have to go to the NJDEP for removal of the conservation easement. Mr. Pape was before the Board this evening asking the Board to amend two conditions of approval.

Mr. Pape explained that the applicant will not build on Lot 4.07 until they have secured permission from the Commissioner of the NJDEP. The Applicant wishes to perfect the other lots. They are seeking to modify the thirty (30) of the fifty (50) feet of that lot to get the driveway through.

Mr. Pape advised that they will take the Amended Resolution that the Board endorses to the NJDEP. He also has Mr. Munoz' letter to take to the NJDEP.

Board Attorney Steib stated if the Board approved the amendment, the condition of approval would read that the applicant could perfect the subdivision, build on those lots with the exception of the he modified condition for Lot 4.07.

Board Engineer Shafai stated that they would be bonded so he is comfortable with that change.

Chairman Newman opened the application to the public at 7:43 p.m.

Attorney Steib swore in Deborah Strnad who lives across the street at 39 Trenton-Lakewood Road. Ms. Strnad advised that she has looked at the applicant's plan. She wanted to make sure that there is a privacy buffer. She is concerned about the traffic speed limit since there will be more residential properties on the road. Attorney Steib advised that Trenton-Lakewood Road is a County Road and is under the jurisdiction of Monmouth County Planning Board.

Seeing no further comment from the public, Chairman Newman closed the public portion of the application at 7:43 p.m.

Mr. Pape advised that the plan maintains the easements with the sole exception of the 35 feet that he asks be modified to provide access to the home.

Chairman Newman made a Motion to approve the amendment discussed and Committeewoman Grbelja offered a Second. Roll Call Vote: Newman, Grbelja, Beck, Pinney and Ziner voted yes to approve the amendment.

Seeing no Old Business or New Business, at 7:48, Chairman Newman conferred with Attorney Steib and he announced that the Board would be entering into an Executive Session to discuss ongoing Litigation. Chairman Newman made Motion to leave the Regular Session and enter into Executive Session, Committeewoman Grbelja offered a Second, and by unanimous the Board left the Regular Session and went into an Executive Session to discuss ongoing litigation.

The Board returned at 8:10 p.m. Chairman Newman made Motion to Adjourn the meeting, Committeewoman Grbelja offered a Second and by unanimous vote, the meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Pamela D'Andrea